

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12cv378**

DEANNA McGEORGE,

Plaintiff,

v.

**INGLES MARKETS,
INCCORPORATED,**

Defendant.

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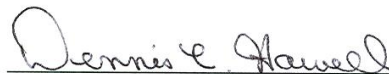
ORDER

Pending before the Court is the Plaintiff's Motion for Protective Order [# 14] and Motion for Discovery [# 18]. Plaintiff moves for the entry of a protective order and to compel Defendant to respond fully to her discovery requests. Plaintiff has now filed three discovery related motions in this Court. Upon a review of the pleadings in this case, the Court finds that Plaintiff has failed to confer in good faith with Defendant. Accordingly, the Court **DIRECTS** the parties as follows:

- (1) The Court **GRANTS** the Motion for Protective Order [# 14] as Defendant does not oppose the entry of the proposed order. The Court **DIRECTS** Plaintiff to submit the proposed protective order within five (5) days of the entry of this Order to the Court via cyber clerk.
- (2) The Court **DENIES without prejudice** the Motion for Discovery [# 18].

- (3) Prior to filing any further discovery motions in this case, the parties must hold a discovery conference either by telephone or in person and attempt to resolve the discovery dispute without the Court's intervention. Email communication or communication via written letters will not suffice.
- (4) The Court will not consider any further discovery motions in this case unless the moving party attaches to the motion an affidavit of counsel setting forth: (a) the date, time, and place of the discovery conference, as well as the names of each person participating in the conference; (b) the issues addressed at the discovery conference; and (c) the steps taken after the discovery conference to resolve the discovery dispute without Court intervention.
- (5) If after a review of the affidavit the Court finds that the moving party did not undertake a good faith effort to resolve the dispute and did not provide the opposing side a reasonable opportunity to resolve a discovery related issue prior to filing a motion, the Court will summarily deny the motion with prejudice.

Signed: May 21, 2013

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Dennis L. Howell
United States Magistrate Judge

